

REMARKS

This Paper is submitted in response to the Office Action mailed on February 12, 2007, having a shortened statutory response period ending on May 12, 2007. This Paper is timely filed within the shortened statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 1-12 and 22, 25-26, and 28-36 are pending in this application. Claims 13-21, 23-24, and 27 have been canceled. New claims 28-36 have been added.

Claims 1-7 and 11-12 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over U.S. Patent No. 4,692,361 to Johnston et al. (*Johnston*). Claims 8, 13 and 22-26 were rejected under 35 U.S.C. § 103(a) for allegedly being obvious over *Johnston* in view of U.S. Patent No. 4,910,147 to Bacehowski et al. (*Bacehowski*). Claims 9-10 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over *Johnston* and in view of U.S. Patent No. 4,936,458 to Bell et al. (*Bell*). Applicants respectfully disagree with and traverse these alleged rejections for the reasons set forth below.

Attorney for Applicants would like to thank Examiner Mohandesi for the courtesies extended during a telephone conference on May 4, 2007. In this telephone conference, Examiner Mohandesi clarified that an error is present in ¶3 of the Office Action dated February 12, 2007. In ¶3 of the Office Action, the language directed to U.S. Patent No. 6,371,975 to Cruise et al. (*Cruise*) is to be removed. In particular, the following language is to be redacted from page 4 of the February 12, 2007 Office Action.

Cruise '975 discloses that it is desirable to store albumin (at least 20% albumin) in separate containers and flexible bags (146), see Figure 7B embodiment. Regarding the actual product or composition (concentration of at least 20% albumin), the actual composition is merely a matter of user preference and entirely obvious to use whatever composition as desired.

Thus, the alleged obviousness rejection of claims 1-7 and 11-12 is based only on *Johnston*.

Johnston does not disclose or suggest a flexible container containing an albumin concentration of 20%, the container having a seal area free of the albumin concentration, and a heat seal formed on the seal area to create a fluid-tight chamber for the albumin concentration as

recited in the present claims. This is apparent as *Johnston* fails to recognize the problem associated with heat sealing an albumin-filled flexible container. Since albumin operates as an insulator, the presence of the albumin concentration on the seal area prior to heat sealing results in a degraded heat seal. See present application page 2 lines 23-31. The present application overcomes this problem by ensuring that the seal area is free of albumin when a heat seal is formed on the seal area. Present application, page 15 lines 4-10.

Johnston has no disclosure whatsoever with respect to the problems of heat sealing an albumin filled flexible container. *Johnston* merely discloses a flexible film that can be run through a form-fill-seal packaging machine to create a flexible container, the container capable of storing plasma. *Johnston*, col. 6 lines 50-66; col. 2 lines 40-45. *Johnston* has no disclosure whatsoever with respect to: 1) a container containing a 20% albumin concentration; and/or 2) a container with a seal area free of the albumin concentration prior to heat seal formation. *Johnston* fails to recognize the problem solved by the present application. *Johnston* has no disclosure regarding a container containing an albumin concentration of 20%. *Johnston* has no disclosure of maintaining a seal area of the container free of the albumin concentration and the formation of a heat seal on the albumin-free seal area. Accordingly, Applicants respectfully submit that the present claims are novel and nonobvious in view of *Johnston*.

Bacehowski fails to fulfill the deficiencies of *Johnston*. *Bacehowski* has no disclosure whatsoever directed to a flexible container that contains an albumin concentration. Wholly lacking any disclosure of albumin, *Bacehowski* cannot disclose or remotely suggest 1) an albumin-filled flexible container 2) with a seal area free of the albumin concentration as recited in the present claims.

Bell teaches away from the flexible container having permanent peripheral seals as recited in the present claims. Rather, *Bell* discloses a flexible bag made with peripheral peel seals and thereby teaches away from a container having permanent seals as recited in the present claims. *Bell*, col. 5 line 60 through col. 6 line 16, Figure 1. Teaching away is a *per se* demonstration of non-obviousness. *In re Dow Chemical Co.*, 837 F.2d 469 (Fed. Cir. 1988). Consequently, any combination with *Bell* is likewise *per se* non-obvious.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly request an early allowance of same.

Respectfully submitted,

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